

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:06-00080

ANDREA HARRIS

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's pro se motion to modify the amount of her restitution obligation. (Doc. # 72). In her motion, defendant asks "if there is any way that the amount that I pay in restitution can be reconsidered due to my co-defendant being re-convicted for the same federal offense." Defendant's Motion at p.3. "The statutes permitting modification of restitution orders . . . permit such modification only for changed circumstances. . . ." United States v. McMahon, 2000 WL 1039473, \*4 (4th Cir. 2000) (unpublished). Defendant has not alleged the type of changed circumstances which would permit this court to modify her restitution obligation and, accordingly, her motion is DENIED.\*

The Clerk is directed to send copies of this Memorandum Opinion and Order to defendant, counsel of record, the Probation

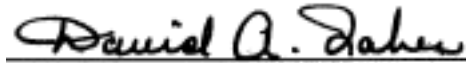
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\* Furthermore, even when a defendant shows a material change in economic circumstances, a court is without power to modify the total amount of restitution imposed. See United States v. Millegan, 2007 WL 2071784, \* 2 (D. Md. 2007). Rather, "the most the court could do is adjust the payment schedule." Id.

Office of this court, and the United States Marshal for the Southern District of West Virginia.

It is SO ORDERED this 28th day of July, 2011.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge